

Submitter: Eric Kozowski
On Behalf Of:
Committee: House Committee On Judiciary
Measure: HB4008

My name is Eric Kozowski and I am testifying in support of amendment 5 to HB4008. This is the amendment that would require Chiefs of Police and Sheriffs to follow state and local law as well as their own department internal policies.

I am testifying because I have first hand experience with a Sheriff violating their own internal policies and not being held professionally accountable. I was a Deputy Sheriff with the Deschutes County Sheriff's Office until I was unlawfully terminated by Sheriff Shane Nelson in 2018 in retaliation for my constitutionally protected right to run for political office.

This unlawful termination led to me file a lawsuit against Sheriff Nelson. That lawsuit went to trial in August of 2021 in federal court in Eugene and resulted in the jury finding in my favor. The jury found that Sheriff Nelson had violated federal law, state law, and Sheriff's Office internal policies when he terminated me.

During depositions and in trial testimony, Sheriff Nelson made it clear that he believes Sheriff's Office internal policies do not apply to him. While testifying at trial, under oath, Sheriff Nelson stated, "I set the policy for our office, but since I'm an elected official, I am not bound by that policy" and "It sounds awful, but I'm not bound by any policy or procedure". Additionally, he stated, "I would have the authority to do anything". I know that he has also made similar statements in other sworn lawsuit depositions.

This failure of Sheriff Nelson to follow the law and department policy has cost the taxpayers of Deschutes County over \$2.5 million in outside attorney fees and jury awards in my lawsuit and at least \$600k in another 2 lawsuits against him by other Sheriff's Office employees.

It is clear that at least one Sheriff feels he does not have to follow the department policies he issues and signs. I believe it is critical that HB4008 amendment 5 be passed into law to show Sheriffs, like Sheriff Nelson, that the citizens of Oregon insist that a Sheriff follow the same policies that their employees are expected to follow.

Thank you.